

Application No.: 10/565,082
Docket No.: 59482.21880

PATENT
Customer No. 30734

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of:)	
)	
Thomas HUBER, et al.)	Confirmation No.: 3687
)	
Application No.: 10/565,082)	Group Art Unit: 3644
)	
Filed: May 22, 2006)	Examiner: Brian M. O'Hara

For: CARGO DECK AND A METHOD FOR ASSEMBLING SAID DECK

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolf Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action dated September 17, 2008, having a one-month shortened statutory period of response set to expire October 17, 2008. Applicant respectfully requests consideration of the subject application in light of the following remarks.

REMARKS

STATUS OF CLAIMS

1-17 are pending in this application.

OFFICE ACTION

(1) The Office Action has required restriction to one of the following groups under 35 U.S.C. § 121:

I. Claims 1-10, drawn to a cargo deck, classified in class 224, subclass 119; and

II. Claims 11-17, drawn to a method of installing a cargo deck, classified in class 52, subclass 480.

Applicant respectfully traverses the election requirement. However, to be fully responsive, Applicant hereby elects Group I, Claims 1-10.

According to the M.P.E.P. § 803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may include claims to independent or distinct inventions.

Applicant respectfully submits that the examination of the entire application, including claims 1-17, would not be a serious burden on the Examiner. This is particularly so because the Examiner has not provided reasons why the examination of all the inventions would be a serious burden. Therefore, Applicant respectfully requests that the election requirement be withdrawn and that all claimed invention be examined in this application.

Furthermore, Applicant has paid a filing fee for an examination of all claims in this application. If the Examiner refuses to examine the claims paid for when this application was filed, Applicant must pay duplicative fees to file divisional applications

for the non-elected or withdrawn groups of claims. In conclusion, the Examiner has not shown that there would be a serious burden on the Examiner if the restriction were not made.

Any additional fee believed necessary for the consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read 'Stephen S. Fabry', is written over the firm name.

Stephen S. Fabry
Registration No. 51,661

Date: October 17, 2008
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